

Kyle T. Abraham, OSB No. 051821
kabraham@barran.com
Sean P. Ray, OSB No. 075040
sray@barran.com
Charlotte K. Hodde, OSB No. 161724
chodde@barran.com
Barran Liebman LLP
601 SW Second Avenue
Suite 2300
Portland, Oregon 97204-3159
Telephone: (503) 228-0500
Facsimile No.: (503) 274-1212
Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AMANDA LOPRESTI,

Plaintiff,

v.

THE KROGER CO., an Ohio Corporation.

Defendant.

Case No. 3:19-cv-1117

Multnomah County Circuit Court
Case No. 19CV25762

NOTICE OF REMOVAL

TO: Clerk of the United States District Court for the District of Oregon, Portland Division

AND TO: Amanda Lopresti and Scott Hunt, her attorney of record

PLEASE TAKE NOTICE that The Kroger Co. ("Kroger") hereby removes the above-entitled action from the Circuit Court of the State of Oregon for Multnomah County to the United States District Court for the District of Oregon, Portland Division pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446, asserting original federal jurisdiction on the basis of

Page 1 – **NOTICE OF REMOVAL**

diversity of citizenship.

In support of this Notice of Removal, Kroger states as follows:

1. On June 11, 2019, an action was filed against Kroger in the Circuit Court of the State of Oregon for Multnomah County, entitled *Amanda Lopresti v. The Kroger Co.*, Case No. 19CV25762.

2. Jurisdiction in this court is based on diversity of citizenship, pursuant to 28 U.S.C. §§ 1332 and 1441(b). Diversity jurisdiction is founded on the following facts:

a. Amanda Lopresti is an individual residing in the state of Oregon.

b. Kroger is incorporated in Ohio with its principal place of business in Ohio.

c. As stated in the Complaint in the above-entitled action, the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

3. Kroger was served with the Summons and Complaint on June 19, 2019. This Notice of Removal is timely in that it is filed within thirty days after Kroger was served with a copy of the initial pleading setting forth the claims for relief upon which this action is based.

4. True and correct copies of the Summons, Complaint, and Notice of Service of Process are attached hereto as Exhibit A, which constitutes all of the pleadings served on Kroger and filed in the Circuit Court of the State of Oregon for Multnomah County prior to the filing of this Notice of Removal.

///

///

///

///

///

Page 2 – NOTICE OF REMOVAL

5. The United States District Court for the District of Oregon, Portland Division is the district and division embracing the place where the state court action was pending (*i.e.*, the Circuit Court of the State of Oregon for Multnomah County).

DATED this 18th day of July, 2019.

BARRAN LIEBMAN LLP

By s/ Sean P. Ray

Kyle T. Abraham, OSB No. 051821

kabraham@barran.com

Sean P. Ray, OSB No. 075040

sray@barran.com

Charlotte K. Hodde, OSB NO. 161724

chodde@barran.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July, 2019, I served the foregoing **NOTICE OF REMOVAL** on the following parties at the following addresses:

Scott N. Hunt
Busse & Hunt
521 American Bank Building
621 S.W. Morrison Street
Portland, OR 97205
shunt@busseandhunt.com

Attorney for Plaintiff

by the following indicated method or methods set forth below:

- ☒ **Electronic Filing using the Court's ECF System**
- ☐ **Facsimile**
- ☒ **First-class mail, postage prepaid**
- ☐ **Hand-delivery**
- ☐ **Overnight courier, delivery prepaid**
- ☐ **E-mail**

s/ Sean P. Ray

Sean P. Ray

CERTIFICATE OF SERVICE